

SB 1363



February 3, 2011

To: The Honorable Mike Gabbard, Chair  
Senate Energy and Environment Committee

The Honorable Carol Fukunaga, Chair  
Senate Economic Development and Technology Committee

From: Tim Shestek  
Senior Director, State Affairs

Re: **SB 1363 - OPPOSE**

The American Chemistry Council (ACC) must respectfully oppose SB 1363, legislation that would establish an unnecessary and overly burdensome \$0.25 tax for each recyclable plastic and paper bag provided to customers at certain retail establishments. Though we support the intent of reducing bag litter and waste, we believe that the most environmentally responsible and economically sustainable solution to addressing this issue is a comprehensive program aimed at recycling these bags so that they may be used as feedstock in the production of other products, such as new bags, pallets, containers, crates, and pipe.

A growing number of states and cities around the United States – including California, New York, Delaware, Rhode Island, Chicago, New York City and Tucson – have passed legislation to promote at-store programs to collect plastic bags and product wraps for recycling as a practical and effective means to reduce waste.

**In 2009, 850 million pounds of plastic bags and wraps were recycled in the U.S., and the rate has gone up 31% since 2005.** Right now there are more than 18,000 places to recycle bags in the United States including at major grocery stores and national retailers. Not only can consumers recycle plastic grocery bags at these at-store drop off programs but consumers can also include bags from newspapers, dry cleaning, bread and produce together with the wraps around cases of soda, paper towels or diapers.

Furthermore, more than 90% of consumers reuse their plastic bags for various household and other functions such as trash can liners, picking up after their pets, as a storage bags when traveling, for holding wet clothes or kitchen messes after preparing food. One unintended consequence of this law could force consumers to purchase new plastic bags to replace the retail bags they previously reused. Such an unintended consequence does not make environmental sense.

ACC encourages your committees to instead consider legislation from 2008 (HB 2434) that would have established a statewide recycling program for plastic bags. ACC was supportive of this approach to reducing bag waste and disposal and would welcome the opportunity to discuss this concept further. In our view, this approach is a much more consumer and business friendly way of addressing this issue.

Thank you in advance for the opportunity to provide these comments. Should you have any questions or comments, please contact me at 916-448-2581 or via email at [tim\\_shestek@americanchemistry.com](mailto:tim_shestek@americanchemistry.com). You may also contact ACC's Hawai'i based representatives Red Morris or John Radcliffe at 808-531-4551.



Robert Barreca  
3535 Maluhia Street  
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(808) 224-1905

ENE/EDT Public Hearing  
Room 225  
February 8th, 2011, 2:45pm

Testimony of Robert Barreca  
Co-Chair of Surfrider Foundation Oahu Chapter  
In Support of Senate Bill 1363

Good afternoon Senators Gabbard and Fukunaga.

My name is Robert Barreca and I am the Co-Chair of Surfrider Foundation Oahu Chapter. I am writing in support of SB 1363 and echoing the sentiment of our chapter which represents over 2,000 members on Oahu. Bills just like this one have been enacted all over the world with great success, both generating income for the state and encouraging consumers to reduce waste, thereby protecting our environment, food-chain and landfills.

Today, it's not hard to find a nearby city, county, state, or country that has enacted some type of single-use plastic and/or paper legislation to reduce waste and encourage sustainable behavior in consumers. In our nation's capitol and in other countries like Australia, Italy, and Mexico, they placed a small fee on these wasteful petroleum products—in Washington, D.C., plastic bag use dropped 60% in the first month! In Ireland, they charged a fee on plastic bags, and their use dropped 90% in one year. Cities and counties all over the mainland have enacted similar legislation over the past couple years.

Reusable cloth and nylon bags can be purchased for a dollar (sometimes free) and used for years and years. Like any change in policy, of course consumers will take a little while to get used to bringing their own bags, but soon it will become second nature just like in all the aforementioned regions that have had fees or bans for years.

According to an article in the Honolulu Advertiser (March 8, 2010), people on Oahu use an estimated "300 million bags or more annually." Just across the channel, neighbor islands Kauai and Maui have enacted bans on single-use plastic bags. While we do not want to reverse the local legislation in those counties, the remaining parts of the state can catch up and make Hawaii a model for the rest of the mainland. We must begin to protect our beautiful island home by reducing the massive amount of waste and plastic pollution we generate on a daily basis.

Mahalo for your consideration,

Robert Barreca



## HAWAII FOOD INDUSTRY ASSOCIATION (HFIA)

1050 Bishop St. Box 235  
Honolulu, HI 96813  
Fax : 808-791-0702  
Telephone : 808-533-1292

DATE: Tuesday February 8, 2011 TIME: 2:45 p.m. PLACE: CR 225

TO: COMMITTEE ON ENERGY AND ENVIRONMENT

Senator Mike Gabbard, Chair; Senator J. Kalani English, Vice Chair

COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY

Senator Carol Fukunaga, Chair; Senator Glenn Wakai, Vice Chair

FROM: Hawaii Food Industry Association - Lauren Zirbel, Government Relations

RE: SB 1363 RELATING TO ENVIROMNENTAL PROTECTION

Chairs & Committee Members:

HFIA supports the concept SB 1363, as a means of encouraging consumers to reduce the use both paper and plastic single use bags. However, we have serious concerns about this bill because it does not address the fact that there is a strong possibility that each county will have a different bag policy by the end of this year. This is extraordinarily burdensome for local retailers that use bags as marketing tools and attempt to order bags in bulk to cut down on cost. Having different ordinances in every county is an administrative nightmare that places an unnecessary level of burden on our local employers.

We are very pleased that this bill **addresses the fact that paper bags are not more environmentally friendly than plastic bags**. We are also pleased that this bill recognizes that it will **cost retailers money in increased checkout time due to hassles associated with counting each bag at the point of sale**. Without a fee on paper, our current plastic bag ban bills will simply result in a

shift to paper bags. The consumer will pick up the added cost of this shift. There is no upside for the environment.

Some of our retailers are uncertain about whether they can administer this extra burden without being forced to hire more employees to handle checkout.

**It would be very helpful if the legislature would apply single use bag laws uniformly to all counties; this includes repealing simple plastic bag bans.**

If we want to encourage reusable bag use, a fee is a good way to do so. A plastic bag ban does not accomplish this goal. More needs to be done in education to ensure that customers understand WHY this is being implemented. We don't want to see a shift to other types of single use bags. The negative energy and resource consequences of using compostable and paper bags must be understood.

Plastic bag bans increase the cost of groceries as the increased cost of providing paper bags is absorbed by the cost of other items. **Plastic bag bans do not help the environment because paper bags take more energy to produce and recycle and generate far more pollution than plastic bags.**

**Compostable and biodegradable bags misappropriate our food sources – such as corn – and cause serious agricultural and water usage issues in other countries.**

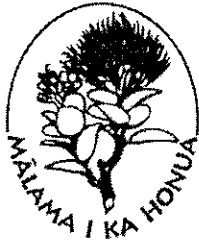
**If the committee wishes to move this bill knowing that it will cause administrative burden and non-uniform application of law across the counties please consider the following amendments:**

- "Non-reusable checkout bag" means a paper, compostable, biodegradable or plastic carryout bag that is provided by a business to a customer at the point of sale for the transport of purchased items.
- **Remittance of the tax by the 15th is an unreasonable administrative burden, it should be by end of the month.**

Thank you for the opportunity to provide this testimony.

The members of the Surfrider Foundation Club at the University of Hawaii at Manoa are writing in favor of (SB 1363) which requires businesses to collect a 25 cent offset fee for distribution of every non-reusable plastic/paper checkout bag. 75% of the fee goes directly to the Department of Health and 25% goes back to the store as taxable income. As a collective body of environmentally conscious college students, we feel it is to the benefit of both our current and future generations that this bill be passed. Doing so would not only encourage greater reusability and sustainability methods within the community, but would also help to reduce harmful plastic pollution and waste into our oceans, beaches, and our over-filled landfills.

Gopal Butler  
Co-Chair  
Surfrider Foundation Club at UHM  
butlrg@hawaii.edu



# Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803  
808.538.6616 hawaii.chapter@sierraclub.org

## SENATE COMMITTEE ON ENERGY AND ENVIRONMENT SENATE COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY

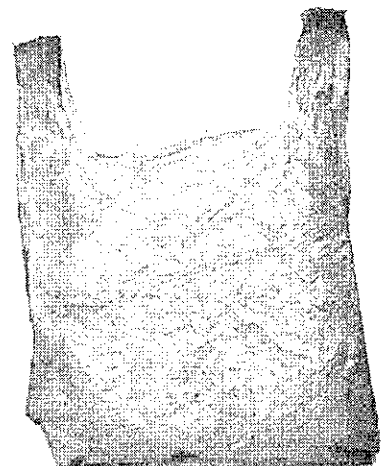
February 8, 2011, 2:45 p.m.  
(Testimony is 4 pages long)

### TESTIMONY IN STRONG SUPPORT OF SB 1363 WITH PROPOSED AMENDMENTS

Aloha Chair Gabbard, Fukunaga, and Members of the  
Committees:

The Hawai'i Chapter of the Sierra Club *strongly supports* SB 1363, which creates an offset fee for the use of all single use bags (whether paper or plastic) and incentivizes retail stores to encourage the use of less-harmful bags. An offset fee smartly creates a direct market reflection of the actual economic and environmental costs created by the abuse of single-use bags in Hawai'i.

Single use bags simply are not in Hawai'i's sustainable future and strong efforts should be made to discourage their continued use.



#### **I. Reducing Our Opala Problem.**

Hawai'i is faced with a solid waste crisis. The proliferation of single use bags directly contributes to this problem. They tax our economy and environment when they are littered or placed in our overflowing landfills. For example, a recent study conducted in Seattle concluded -- even with a high 13% recycling rate (greater than the national average of 3-5%) -- approximately 1,650 tons of plastic bags were put into the landfill annually.<sup>1</sup> The net cost to Seattle and ratepayers of collecting, transferring and disposing of waste was calculated to be approximately \$121 per ton or approximately \$200,000 for plastic grocery bags.

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<sup>1</sup> See Alternatives to Disposable Shopping Bags and Food Service Items, available at [http://www.ci.seattle.wa.us/util/Services/Recycling/Reduce\\_Reuse\\_Exchange/ProposedGreenFee/index.htm](http://www.ci.seattle.wa.us/util/Services/Recycling/Reduce_Reuse_Exchange/ProposedGreenFee/index.htm)

Even if these bags are burned at H-POWER (only on O'ahu), they are essentially converted to greenhouse gasses, further hastening global climate change, and ultimately not addressing the root of the problem. Similarly, with nearly 40% of the State's solid waste-stream able to be diverted from disposal at the landfill, plastic bags pose the single-most significant challenge to composting facilities, contaminating the compost, getting wrapped in the splines of processing equipment, and reducing the value of the compost product.

## II. Consumers Already Indirectly Pay for Single Use Bags.

"Free" single use bags are an expense that is typically not directly visible by customers. Retailers spend hundreds of millions of dollars annually to provide single-use bags to customers. For example, supermarkets can spend up to \$1,500 to \$6,000 a month just to provide single-use bags to their customers at the check-out.<sup>2</sup> Even major retailers such as Target and CVS are realizing this significant cost burden and are offering discount incentives to customers who bring their own bags.<sup>3</sup>

The cost of purchasing tens of millions of bags in Hawai'i annually is most certainly passed on to local consumers, but it is not a visible cost and, thus, normal market controls do not take place. As with anything "free," we tend to take advantage of the ready supply plastic bags without considering the indirect costs.



It should be noted that two highly successful businesses in Hawai'i -- Costco and Wholefoods -- do not offer their customers plastic bags. These businesses are flourishing. The switch by Wholefoods alone kept 100 million plastic bags out of the environment between April 22, 2008 and the end of 2008.

## III. Single Use Bags Tax Our Environment.

Single use bags contribute to litter and pose a threat to avian and marine life in Hawai'i -- the endangered species capitol of the world. As noted by NOAA,<sup>4</sup> plastic photo-degrades -- breaking down into smaller and smaller pieces due to exposure to solar UV radiation. However, when in water plastic does not get direct sunlight exposure, therefore breakdown happens much

<sup>2</sup> Downing, J. "Free Grocery Bags Targeted for Extinction in California," *Sacramento Bee*, Aug. 25, 2008. Estimates from bag manufacturers and the Food Marketing Institute. Available at [http://www.roplast.com/documents/Free\\_grocery\\_bags\\_targeted\\_for\\_extinction\\_in\\_California\\_-\\_Sacramento\\_Politics\\_-\\_California\\_Politics\\_Sacramento\\_Bee.pdf](http://www.roplast.com/documents/Free_grocery_bags_targeted_for_extinction_in_California_-_Sacramento_Politics_-_California_Politics_Sacramento_Bee.pdf).

<sup>3</sup> Horovitz, B. "Target, CVS Put Plastic Bags in the Bull's-Eye, Pay for Reusables," *USA Today*, Oct. 19, 2009.

<sup>4</sup> See <http://marinedebris.noaa.gov/info/plastic.html>



more slowly in the aquatic environment. So far as we know, plastics do not ever fully “go away,” but rather break down into smaller and smaller pieces, sometimes referred to as microplastics.

Plastics also have the potential to adsorb contaminants from the marine environment and carry these contaminants through the food chain. Plastic debris attracts and accumulates hydrophobic organic toxins such as PCBs (polychlorinated biphenyls) up to 100,000-1,000,000 times ambient seawater concentrations. These toxins can then bioaccumulate up the food chain, where they directly impact human health.



#### IV. Proposed Amendments

Section 1, or the purpose clause, appears to reference largely plastic bags. We suggest trying to make the language more general and applicable to both paper and plastic bags.

SECTION 1. The legislature finds that the excessive use of non-reusable checkout bags presents an unnecessary hazard to the natural environment. Non-reusable checkout bags have significant environmental impacts, including:

- (1) The consumption of millions of barrels of oil [~~Require crude oil~~], a polluting fossil fuel, for their manufacture and transportation;
- (2) The imposition of [~~Pose~~] serious health risks to legally protected sea turtles and marine mammals;
- (3) Contributing to unsightly litter;
- (4) Burdening of overcrowded landfills;
- ~~[(5) Are recycled minimally;]~~
- (5) Contributing to deforestation; and
- (6) Increasing costs for all residents to manufacture, distribute, and dispose of non-reusable checkout bags.
- ~~[(7) Are manufactured with non renewable energy.]~~

An environmentally friendly alternative to the non-reusable checkout bag is the reusable bag which consumers can easily acquire, clean, and store. The legislature finds that Hawaii should strongly discourage the use of non-reusable checkout bags.

The legislature finds that the State has a compelling interest in protecting its precious natural environment. [~~Several countries and both international and domestic cities have successfully implemented similar laws that have resulted in a significant reduction in non-reusable checkout bag usage.~~] Because the people of Hawaii depend on the preservation of the natural environment for economic,

social, and cultural reasons, the public's health and welfare will benefit immensely from a significant reduction of non-reusable checkout bag waste and litter.

The purpose of this Act is to reduce the adverse impact of non-reusable checkout bag waste on Hawaii's precious and unique natural environment by establishing an offset fee for the distribution of non-reusable checkout bags.

## SECTION 2

We suggest removing the phrase "or that does not distribute non-reusable checkout bags in an exempt county" in the definition of Business.

In the the "Distribution of checkout bags; offset fee" we suggest amending the language as follows:

§342H- **Distribution of checkout bags; offset fee.** (a) Beginning [~~July 1, 2012~~] January 1, 2013, any business, having a gross annual income of \$500,000 or more shall charge and collect an offset fee of [~~25~~] 10 cents for each non-reusable checkout bag provided to a customer[;]. ~~[Provided that a]~~ A business [~~shall~~] may add the amount of offset fee to the total price of the customer's purchase. The offset fee [~~shall~~] be stated separately [~~and prominently~~] on any sales receipt, invoice, or other record of the sale or other transfer of the non-reusable checkout bag.

We suggest the line "The record shall be subject to inspection by the department for enforcement purposes" be amended to state "The record shall be submitted to the Department on an annual basis or as directed by the Department."

With regard to the distribution of funds received from this fee, we suggest that fifty percent of the funds be kept by the business (5 cents per bag) for the cost of administering the program. The remaining fifty percent should be allocated to the cost of administering and enforcing the program with the remainder allocated to the solid waste management surcharge. Directing the money to the State's solid waste program appears to have a more direct nexus to the proposed fee.

We hope you will move this measure forward. Thank you for the opportunity to testify.

February 8, 2011

The Honorable Senator Mike Gabbard, Chair  
Senate Committee on Energy and the Environment  
The Honorable Senator Carol Fukunaga, Chair  
Senate Committee on Economic Development and Technology  
Hawai'i State Capitol  
Honolulu, HI 96813

RE: Testimony supporting SB 1363 Relating to Environmental Protection

Chair Gabbard, Chair Fukunaga and members of the Committees:

The Outdoor Circle strongly believes that non-reusable checkout bags are a detriment to Hawaii. They damage the unique visual wonder of Hawaii and the quality of life of our residents. They are a threat to wildlife, particularly ocean creatures that ingest or become entangled in plastic bags in particular. And they are a negative influence on our visitor industry—because when visitors see plastic bags blowing around our beaches, parks and everywhere else, it tells them that our state is unwilling to take this important step to protect the incomparable natural resources of our beautiful islands.

So for The Outdoor Circle, the question is not whether the legislature should take action to end the use and/or mishandling of non-reusable checkout bags...the question is how to do it. And while that might be viewed as an insurmountable conundrum, we view it as an opportunity for the legislature to critically analyze the many proposals that deal with this issue and create legislation that incorporates the elements that are best for Hawaii.

That doesn't mean study it to death and put it off interminably—or even for another year. It means that there are several rational approaches to this issue that are being offered in many different bills before both the House and Senate. And it means this is the year for our legislature to show the leadership and fortitude necessary to look at all of the proposals, create the best possible solution to the problem and get it done—this year. As that process proceeds, The Outdoor Circle will have further comments on specific details of the legislation.

For now, please understand that The Outdoor Circle's position is a philosophical one: we must eliminate the threat and very real damage caused by non-reusable checkout bags. And it is our expectation that 2011 is the year to do it.

Respectfully,

Bob Loy  
Director of Environmental Programs



est. 1947

# Hawaii Restaurant Association

1451 South King St, Suite 503  
Honolulu, HI 96814  
www.hawaiirestaurants.org

Phone: 808.944.9105  
Fax: 808.944.9109  
hra@hawaiirestaurants.org

February 7, 2011

## Testimony in Providing Comments to SB 1363 and SB 1059 – ENE – 2/8/11, 2:45 pm and 3:00 p.m., Rm. 225

Chair Gabbard, Vice Chair English, and Members of the Committee:

The Hawaii Restaurant Association (HRA) provides the following comments to **SB 1363 and SB 1059** that would prohibits certain businesses in the State from distributing single-use plastic checkout bags. The HRA applauds the drafter's inclusion of an exception for "[b]ags used to protect prepared foods or bakery goods."

The HRA requests further language to clarify the exception could be for "[b]ags used to protect prepared foods or bakery goods for take-out or transport." By adding the clause "for take-out or transport," the intent of the bill to exempt restaurants and bakeries would be clearly set forth resulting in less confusion among the enforcing agency, merchants, and consumers.

The HRA appreciates the intent of this bill, which is to protect the natural environment. The HRA submits, however, that plastic bags remain by far the best choice when holding containers containing freshly cooked foods, especially hot liquids and grease for those times when food containers may leak or spill.

In restaurants, plastic disposable bags are used not simply a matter of convenience but for consumer safety and other practical reasons including the prevention of leaks and spills of items that are often hot in temperature and sometimes greasy and aromatic. Unlike supermarkets that sell primarily packaged foods, restaurants sell freshly cooked foods that are most often hot and contain liquids. We noticed an exception in this bill for fresh produce, meats, and frozen items. Similarly, food from restaurants, contain "dampness" either from gravies, sauces, or the heat that results in condensation.

In addition, restaurants that are unable to use plastic bags will likely experience an increase in dissatisfied customers who will find gravies, sauces, and other liquids leaking. These negative experiences will discourage potential customers from purchasing take-out food at restaurants. In this difficult economy, consumers have already started to eat out less. This additional burden at this inopportune time would further exacerbate the economic challenges the restaurant industry currently faces. With over 3,500 locations directly employing over 82,000 dedicated people, restaurants form a cornerstone of Hawaii's economy that must be kept viable.

In summary, the HRA respectfully urges the Committee to consider these comments to **SB 1363 and SB 1059.**

Very truly yours,  
The Hawaii Restaurant Association  
Bryan P. Andaya / Victor Lim / Tom Jones - Govt. Relations co-chairs

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Senator J. Kalani English, Vice Chair  
Committee on Energy and Environment

Senator Carol Fukunaga, Chair  
Senator Glenn Wakai, Vice Chair  
Committee on Economic Development & Technology

State Capitol, Honolulu, HI 96813

HEARING Tuesday, February 08, 2011  
2:45 pm  
Conference Room 225



**RE: SB 1363, Relating to Environmental Protection**

Chairs Gabbard and Fukunaga, Vice Chairs English and Wakai, and Members of the Committees:

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii.

**RMH supports the intent of SB1363**, which requires businesses to collect a 25 cent off-set fee for the distribution of every non-reusable checkout bag.

Undeniably, this proposal is a practical, viable and manageable option to an outright ban on single-use checkout bags and places the responsibility for the careless discard and misuse, or the wise re-use and management, of these items on the ultimate consumer. Hawaii's retailers unquestionably support the broadest use of reusable tote bags as the ultimate solution for the environment, and have been proactive in providing these for our customers. However, we do know that consumers' acceptance and use of reusable bags will not be universal, affordable or practical at all times. This measure allows us to provide options as demanded by our customers.

We respectfully offer the following comments:

1. Non-reusable checkout bag: this definition should be expanded to include all **single-use bags**: paper, plastic, compostable and biodegradable.
2. Fee: the 25 cent fee should be reduced to **05 cents** to lessen the burden on our residents who have the least available resources. We are hopeful that consumers will accept this fee as an investment in our environment rather than a burden, and embrace the usage of reusable bags.
3. Business records: Retail is a highly competitive industry. Since internal operations such as purchases are **propriety information**, we request language that would assure absolute confidentiality should the Department of Health request an inspection of these records.
4. Preemption: With the Big Island contemplating a plastic bag ban, and the Counties of Maui and Kauai already enforcing a likewise ban, this measure will add a fourth and different set of regulations with which business must comply. Multiple regulations undoubtedly increase administrative and product costs, all of which are passed on to the consumer. A **single state-wide statute** would reduce consumer confusion and allow companies to employ economies of scale to lower operational costs. As an incentive to the counties, a distribution of their pro rata share of the fees collected would support their recycling and consumer education programs.

We respectfully request your consideration of our comments and look forward to continuing the dialogue, the result of which will be meaningful legislation that will provide positive impact on the environment. Thank you for your attention and for the opportunity to comment on this measure.

Carol Pregill, President

RETAIL MERCHANTS OF HAWAII  
1240 Ala Moana Boulevard, Suite 215  
Honolulu, HI 96814  
ph: 808-592-4200 / fax: 808-592-4202



Surfrider  
Foundation.

Feb. 7, 2011

Hawaii Senate Committee on Energy and Environment (ENE)

**RE: Strong Support for Senate Bill 1363 – Regulating Single-Use Plastic Bags**

Dear Chair Gabbard, Vice-Chair English and Members of the Committee,

My name is Stuart Coleman, and I am the Hawaii Coordinator of the Surfrider Foundation. With more than 4000 members across the state, the Hawai'i Chapters of the Surfrider Foundation ("Surfrider") strongly support passage of SB1363, a bill designed to address the harms of single-use plastic and paper check out bags that are degrading the environment, harming marine life and overflowing our landfills. We support this statewide fee bill on all single-use plastic and paper bags as well as the existing bans on Maui and Kauai.

According to the EPA, millions of sea birds, marine mammals, sea turtles and fish die each year due to ingestion and entanglement in plastics. There is no reason why people can't switch to reusable tote bags and help protect these sea creatures. This bill will not only improve Hawaii's natural environment but also help counties save money by extending the life of our landfills. After the disastrous spill from our landfill recently onto the Leeward Coast, it is imperative that we reduce our waste stream dramatically, and this bill is a good start.

Governments across the world have successfully reduced plastic bag use, either through plastic bag bans, or through fees or taxes. Maui and Kaua'i County passed their own bans, and the Big Island and Oahu are working on their own. The following countries have all taken measures to reduce their plastic bag usage in an effort to protect their precious natural resources and valuable coastlines: Ireland, China, Tanzania, Taiwan, Australia, Italy, and South Africa. And these cities have followed their lead: San Francisco, Manhattan Beach, Malibu, Los Angeles, Edmunds (WA), Outer Banks (NC), District of Columbia, Mexico City, Rio de Janeiro and Mumbai. Eventually, all governments and people will realize how economically wasteful and environmentally damaging single-use plastic and paper bags are. Will our state be a leader or a latecomer in this movement? Hawai'i will only benefit if it reduces our waste stream.

The Hawaii Chapters are supporting SB1363 because Surfrider's mission is to preserve the health of our oceans and the quality of our beaches. Plastic bags that end up in the ocean or on our coastlines not only endanger sea turtles, seabirds, and marine mammals, but they also adversely affect the entire marine food web. Because plastic does not biodegrade, plastic waste never truly disappears, it only breaks down into smaller and smaller pieces called "micro-plastics," which are often consumed by fish and filter feeders that mistake them for food. Because plastics cannot be digested, they concentrate organic chemicals and environmental pollutants, and bioaccumulate as they make their way up the food chain and into our seafood. So this is a human health issue as well as an environmental hazard.

SURFRIDER FOUNDATION • HAWAII CHAPTERS

2121 ALGARоба ST., #1107 • HONOLU, HI 96826

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Single-use plastic bags are also a threat to our wallets, and everyone bears the cost of these so-called "free" bags. Taxpayers spend as much as \$0.17 on each "free" plastic bag because they subsidize the recycling, collection, and disposal of these toxic tumbleweeds. Retailers spend as much as \$0.05 per bag (a price which is incorporated into the price of food and goods, then passed on to consumers) when they provide a consumer with a so-called "free" plastic bag. By reducing the amount of disposable plastic and paper bags in the environment and our landfills, the counties will save money from having to clean them up.

Personally, I respectfully suggest that an amendment be made to SB1363 so that the \$.25 fee is lowered to a more manageable amount like \$.15 per bag. Mahalo for your time and consideration and please feel free to contact me if you have any questions or suggestions.

Sincerely,

Stuart H. Coleman  
Hawaii Coordinator  
Surfrider Foundation  
808-942-3841



## CONSERVATION COUNCIL FOR HAWAII

Testimony Submitted to the Senate Committee on Energy and Environment

Hearing: Tuesday, February 8, 2011

2:45 p.m.

Room 225

Support for the intent of SB 1363 Relating to Environmental Protection

Aloha. The Conservation Council for Hawaii supports the intent of SB 1363, which requires businesses to collect a 25-cent fee for the distribution of every non-reusable checkout bag. This will reduce the number of bags in landfills, on land, and in the ocean.

However, we urge the legislature to consider banning the distribution of single-use bags – plastic, paper, and biodegradable/compostable ones – because all of these products require energy to manufacture and energy to ship to Hawaii. In addition, even though some single-use bags are labeled “biodegradable” or “compostable,” they do not necessarily break down under certain conditions.

Many of our residents and visitors want to protect the environment, and they will adjust by purchasing reusable bags. This positive change in behavior is long over due. Banning all single-use checkout bags will help conserve energy, reduce greenhouse gas emissions, protect marine life, and save merchants money.

Thank you for the opportunity to testify.

Marjorie Ziegler



Hawaii's Voice for Wildlife – *Ko Leo Hawaii no na holoholona iohu*

Telephone/Fax 808.593.0255 • email: [info@conservehi.org](mailto:info@conservehi.org) • web: [www.conservehi.org](http://www.conservehi.org)

P.O. Box 2923 • Honolulu, HI 96802 • Office: 250 Ward Ave., Suite 212 • Honolulu, HI 96814

President: Maura O'Connor \* Vice-President: Hannah Springer \* Treasurer: Kim Ramos \* Secretary: Rick Barboza

Directors: Madelyn D'Enbeau \* Maka'ala Ka'aumoana \* Julie Leialoha

Executive Director: Marjorie Ziegler





February 7, 2011

To: Senate Committee on Energy and Environment  
The Honorable Mike Gabbard, chair

Mr. Chairman,

We appreciate the opportunity to submit our testimony and express our support for SB 1363. As you may know Times Supermarket is based on Oahu and operates 20 stores with locations in Maui, Kauai and Oahu.

As an island base company, we understand the constraints of limited space and the preservation of the unique landscape of Hawaii. It is for this reason that we support your efforts in mitigating challenging issues such as single use bags, and the disposal of bags in landfills.

Currently two island counties have implemented bag policy where we operate stores, and while we support the attempt to change consumer behavior, we believe that that best method for doing so is by implementing a fee. There are various models throughout the United States that address the use of single use bags, and while some are similar throughout states such as California, they lack a uniformed approach. Hawaii would be the first state in the union to implement a statewide policy that holds all jurisdictions to the same standard.

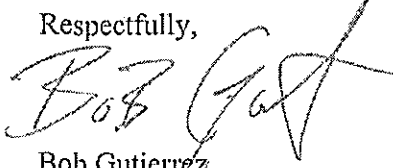
In Maui and Kauai we don't have the ability to charge a fee to help consumers adapt to the ordinances currently in place. Tourists have shifted to paper which is considerably more expensive and environmentally damaging to produce than plastic. The statewide adoption of SB 1363 would provide the ability for Times Supermarket to better manage a bag policy and continue to promote higher environmental consciences to our consumers.

Having a fee for both plastic and paper given the model that is before us in SB 1363, with a few additions should provide a more affective policy that creates a win for the state, consumers and retailers. Such additions would include providing a wavier of the fee to consumers that participate in low income programs such as WIC, EBT and other federal programs as well as the ability to create a uniformed approach for all retailers, large and small, throughout the state.

By providing a preemption of all currently implemented policies, the state of Hawaii will be able to ensure better enforcement of the law and create additional revenue in jurisdictions that currently would be exempt from SB 1363. The idea is to maximize the revenues generated by the law to better educate consumers on conservation and re-useable product practices.

Please feel free to contact me should you have any questions regarding this matter at (209) 957-2555, ext 153 or Bob Stout, President of Time Supermarket at (808) 831-0811. We thank you in advance for your consideration and we look forward to continuing the dialogue.

Respectfully,

A handwritten signature in black ink, appearing to read "Bob Gutierrez". The signature is stylized and cursive, with the first name "Bob" written in a larger, more prominent font than the last name "Gutierrez".

Bob Gutierrez  
Director of Government Affairs, Times Supermarket

February 7, 2011

To: Senate Committee on Energy and Environment  
The Honorable Mike Gabbard, Chair

From: Susan Houghton, Director of Public Affairs and Government Relations

**Re: Safeway Support for SB 1363**

I am writing to lend Safeway support for SB 1363. Our company operates 19 stores in Hawaii – of which 13 are on the island of Oahu.

We applaud your desire to tackle this important issue. We believe it is extremely important to encourage all consumers to reduce the use of both paper and plastic bags. Both have significant effects on the environment.

We are aware that Maui and Kauai have both already adopted strict plastic bag bans, however, we believe a fee-based system on both plastic and paper is the preferred route. The city of San Francisco completely banned plastic bags several years ago – but did not address the issue of paper bag use. As a retailer with 15 stores in that city, we saw our costs for paper bags increase substantially – by more than \$1 million a year. This figure is in addition to the costs we were already absorbing to provide paper bags to our customers.

We believe consumers need a strong disincentive to truly change their behavior. By placing a fee on both plastic and paper, you are encouraging all consumers to think “reusable.” Safeway provides a number of low-cost reusable bag options and we would be happy to participate in an initial reusable bag-giveaway program to promote this important concept. We would also be happy to provide free paper or plastic bags to any customer on such federally approved low-income programs as WIC or Food Stamps.

The key to SB 1363 is also retailer uniformity. In order to ensure there is no competitive advantage, the legislation must apply to all retailers - regardless of size or origin. While we would prefer a preemption clause that creates geographic uniformity as well, we also understand the need for local control and county-specific ordinances.

Thank you for the opportunity to share our views on this important legislation. Should you have additional questions, please do not hesitate to contact me at (925) 467-2212 or George Glukfeld, our Hawaii district manager at (808) 524-4554.

Sincerely,

Susan M. Houghton  
Director of Public Affairs and Government Relations

Hawai'i Senate Committee on Energy and Environment &  
Hawai'i Senate Committee on Economic Development and Technology

**RE: Strong Support for Senate Bill 1363 – Significant Reduction of Non-reusable Checkout Bag Usage**

Aloha Chair Gabbard, Chair Fukunaga, Vice-chairs, and Members of the Committees,

My name is Mele Coleman and I am a part-time 2L at William S. Richardson School of Law and a law-intern at U.S. Fish and Wildlife Service. I have a B.S. in Marine Biology and worked in the marine conservation field before starting law school. I am a member of Surfrider Foundation, Conservation Council for Hawai'i, and Sierra Club. I strongly support the forward movement of SB1363 because the excessive use of non-reusable checkout bags unnecessarily degrades Hawai'i's environment. SB1363 is the best of the seven "bag bills" introduced this legislative session because it significantly enhances environmental protection, has the potential to produce revenue for the state and affected businesses, and preserves the consumers' freedom of choice. SB1363 also presents the legislature with an opportunity to bring uniformity to Hawai'i's non-reusable checkout bag laws without undermining any county ordinances already in effect. Statewide legislation is the best way to address this issue because it will result in the greatest benefit to the environment.

The success of similar bills suggests that SB1363 will quickly result in a significant reduction of non-reusable checkout bag usage in Hawai'i; Washington D.C.'s five-cent fee on non-reusable plastic checkout bags decreased the city's usage by over 80% in the first month of implementation.<sup>i</sup> If SB1363 causes an 80% reduction in the use of non-reusable bags, I estimate that the state will earn approximately twenty-four million dollars per year.<sup>ii</sup> Moreover, affected businesses will not be harmed by SB1363, and may even benefit because currently they pay for the bags that they give away for free.<sup>iii</sup> The D.C. success story is not the only precedent to support the passage of this bill. Governments worldwide have significantly reduced non-reusable checkout bag usage and thus environmental degradation through either bans or fees. San Francisco, Manhattan Beach, Malibu, Los Angeles, Edmunds (WA), Outer Banks (NC), California, Mexico City, Rio de Janeiro, Bangladesh, Scotland, France, West Bengal, Zanzibar, Switzerland, Rwanda, Denmark, Germany, South Africa, Somalia, Botswana, the Philippines, American Samoa, Mumbai, Ireland, India, Canada, China, Tanzania, Taiwan, Australia, Italy, New Zealand, and South Africa have all taken measures to reduce non-reusable checkout bag

usage in an effort to protect their natural environment.<sup>iv</sup>

SB1363 is the best of the seven “bag bills” because: (1) a twenty-five cent fee is a large deterrent and thus will positively change consumer behavior (HB998 will be less effective because it only imposes a ten cent fee); (2) SB1363 pays for itself and may produce significant revenue for the state and affected businesses (although HB998 allows businesses to keep a portion of the fee, it does not allocate funds to pay for the administration and enforcement of the bill); (3) SB1363 applies to all plastic bags (SB1370, SB1059, and HB1401, which impose a ban on non-biodegradable plastic bags, will cause consumers to use biodegradable plastic bags, which are just a lesser evil.<sup>v</sup> HB891, which imposes a ban that allows only compostable plastic bags, is not much better because compostable products must be sent to a composting facility after being used.<sup>vi</sup>); (4) SB1363 applies to both paper and plastic non-reusable bags (SB1370, SB1059, HB1401, HB891, and HB1601 apply only to plastic bags and thus will result in an increase in the consumption of non-reusable paper bags); and (5) SB1363 preserves the consumers’ freedom of choice (unlike the five ban bills introduced).

Please move SB1363 forward. Mahalo for the opportunity to testify on this matter.

Sincerely,

Mele Coleman

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i Lauren Markoe. How D.C. Beat the Plastic Bag Lobby. OnEarth. Nov. 11, 2010. Available at: <http://www.onearth.org/article/how-dc-beat-the-plastic-bag-lobby>.

ii The average American uses about 500 plastic bags per year (Hawai‘i Health Guide. Bring Your Own Bag: Kaua‘i and Maui nix single-use plastic bag use in 2011. Jan. 10, 2011. Available at: <http://www.hawaiihealthguide.com/healthtalk/display.htm?id=892>), and about 1.3 million people live in the state of Hawai‘i (U.S. Census Bureau, Population Estimates 2010. Available at: <http://www.census.gov/popest/eval-estimates/eval-est2010.html>).

iii Under SB1363, businesses will receive about six cents per bag; currently businesses pay at least two cents per plastic bag and five cents per paper bag (True Cost of Single-Use Bags. Available at: <http://www.scribd.com/doc/37637308/The-True-Cost-of-Single-Use-Plastic-Bags>).

iv See Plastic Bag Reduction Around the World. Available at: <http://plasticbags.planetark.org/about/othercountries.cfm>

v ‘Biodegradable’ plastic bags may not be as eco-friendly as thought. The Telegraph, Earth News. Mar. 11, 2010. Available at: <http://www.telegraph.co.uk/earth/earthnews/7422006/Biodegradable-plastic-bags-may-not-be-as-eco-friendly-as-thought.html>

vi Emily Sohn. ‘Biodegradable’ Doesn’t Always Mean Earth-Friendly. Apr. 2, 2010. Available at: <http://news.discovery.com/earth/garbage-biodegradable-earth-month.html>.

My name is Noa Ching, a 2nd year law school student at the UH. I am submitting testimony in support of SB1363. This bill would require businesses in Hawaii to charge customers an off-set fee for every non-reusable bag provided to them for the transport of purchased items. The primary benefit of such a bill would be a severe reduction in the volume of non-reusable bags that currently litter our environment.

The fiscal impact should be minimized because a significant portion of the offset fee will go to implementing and enforcing the bill. Additionally, every county under this bill should save money by not having to clean up non-reusable bag waste.

The legislature previously considered similar bills recently in prior sessions. SB1363 is different because it builds upon past bills and tries to reach a compromise without losing sight of the ultimate goal: the significant reduction of non-reusable bags.

In short, the reasons to support this bill are: (1) The protection of our environment; (2) to help counties cut costs in litter abatement; (3) to help local stores save money by not having to purchase as many non-reusable bags.

Thank you for hearing SB1363.

Sincerely,

Noa Ching

**gabbard1 - Carlton**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 03, 2011 7:03 AM  
**To:** ENETestimony  
**Cc:** leeroy@hawaii.rr.com  
**Subject:** Testimony for SB1363 on 2/8/2011 2:45:00 PM

Testimony for ENE/EDT 2/8/2011 2:45:00 PM SB1363

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: Lee Brooke Roy  
Organization: Plastic Free Hawaii  
Address: Haleiwa  
Phone: (808) 638-7024  
E-mail: [leeroy@hawaii.rr.com](mailto:leeroy@hawaii.rr.com)  
Submitted on: 2/3/2011

**Comments:**

Please support this bill to reduce single use plastic bags. We need to reduce the amt. of plastic going into our landfills and oceans. I own a retail store we use recycled paper bags and many customers bring their own re-usable bags. Its time to ban the bag on Oahu!

Testimony for ENE/EDT 2/8/2011 2:45:00 PM SB1363

Conference room: 225

Testifier position: support

Testifier will be present: No

Submitted by: Angela Atkins

Organization: Surfrider Foundation

Submitted on: 2/3/2011

Comments:

I am a member of the Surfrider Foundation and support this bill because I feel it is important that we implement measures that reduce plastic pollution and the amount of waste going into our environment, oceans and landfills!



**To:** The Energy and Environment committee (ENE) and Economic Development and Technology (EDT), Senator Mike Gabbard, and Senator Carol Fukunaga.

**Re: Measure Title:** RELATING TO ENVIRONMENTAL PROTECTION. **Report Title:**

Environmental Protection; Plastic Checkout Bags **Description:** Requires businesses to collect a 25 cent offset fee for distribution of every non-reusable checkout bag. Provides for the department of health to collect seventy-five per cent of offset fee to be used for administration and enforcement. Allows businesses to retain twenty-five per cent of offset fee as taxable income. Exempts offset fee from excise tax. (\$)

Aloha,

I am writing to comment in support of **Bill SB1363**. Regulating single-use plastic bags will help make Honolulu a model city for sustainable change.

Hawaii, especially Oahu, is at a crucial moment for waste management. Despite the efforts of the H-Power waste-to-energy program, high rates of recycling, and a high landfill diversion rate, our facilities and landfills are overwhelmed. Legislating source reduction and behavior changing regulation is the targeted solution.

The harmful cost of single-use plastics stretches from the oil it takes to produce it, to the health of the consumer, to the cost of disposal, and finally to the marine ecosystems it wrecks. Plastic is a material that the Earth cannot digest. Almost every bit of plastic that has ever been created still exists. Once discarded in the environment, plastic breaks down into smaller and smaller particles. Patches of plastic pollution cover millions of square miles of ocean near Hawaii. Tragically, this plastic also ends up in the stomachs of marine birds and animals. Moreover, the creation and distribution of plastic products increases our polluting carbon emissions and dependence on fossil fuels.

Reusable bags allow new avenues for marketing and save the retailer and consumer money. Consumers actually pay hidden costs for so-called free bags. Further, reducing the consumption of single-use plastic bags will bring in money for our state and save money in clean-up costs. The taxpayer cost to subsidize the recycling, collection, and disposal of plastic and paper bags is more than the cost of the bag.

Our taxpayer dollars are being used to subsidize the cost of waste. Much of this money could be redirected to benefit our state. Similar laws have been passed worldwide and have proven to be successful. For example, when Washington D.C. instituted its recent five-cent fee, bag use declined from an average of 22.5 million per month to 3 million in the very first month, and fees generated about \$150,000 for use by the city's environmental programs.

This bill effectively addresses the issue of plastic pollution by positively changing consumer behavior, decreasing external costs, and decreasing the amount of waste Hawaii produces.

I am a member of Plastic Free Hawaii (Kailua Chapter), a coalition of community members and businesses that strives to educate the stores, restaurants, residents, and visitors of Kailua on the environmental and health benefits of going plastic free. <http://plasticfreekailua.blogspot.com/>

Mahalo for the opportunity to testify on this matter.

Sincerely,  
Rachel Harvey  
316 Keaniani St.  
Kailua, HI 96734, 352-872-8622, racheharvey@gmail.com

February 8, 2011

**Senate Committee on Energy and Environment**

Senator Mike Gabbard, Chair

Senator J. Kalani English, Vice Chair

**Senate Committee on Economic Development and Technology**

Senator Carol Fukunaga, Chair

Senator Glenn Wakai, Vice Chair

**Public Hearing: Tuesday, February 8, 2011, 2:45 p.m., Conference Room 225**

**Re: SB 1363, Relating to Environmental Protection**

Dear Chairs, Vice Chairs and members of the Committee,

I offer this testimony in support of Senate Bill 1363.

Single use checkout bags, plastic and paper, pose many threats to the environment. These bags, which are used for an average of only 12 minutes,<sup>1</sup> not only cause unsightly litter and end up in landfills, they also find their way into our waterways and oceans, and are a large contributor to marine debris, posing a threat to marine life and polluting the ocean.<sup>2</sup> Furthermore, these bags require fossil fuels to manufacture and transport. Although biodegradable, compostable, and recyclable versions of single-use checkout bags exist, this strategy is only effective at mitigating the environmental hazards of single-use bags when successful composting or recycling plans exist and are used. However, an EPA study<sup>3</sup> indicates that only approximately 5% of plastic bags used in the nation are actually recycled. Although biodegradable plastic and paper bags are a better choice than plastic bags made from polyethylene, all types contribute to the waste stream and take a long time to biodegrade in landfills.<sup>4</sup>

Several other countries and cities worldwide, such as China, Bangladesh, Ireland, South Africa, Denmark, Hong Kong, Rwanda, Tanzania, and the United Kingdom have passed laws to decrease the use of plastic bags and encourage the use of reusable bags.<sup>5</sup> In the US, laws or ordinances have been passed in many cities and counties, including bans on all plastic bags in Maui County and on all non-compostable plastic bags in Kauai County.

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<sup>1</sup> Ford, Matt. *Fighting the tide of plastic bags in a world awash with waste*. CNN, July 13, 2008.

<sup>2</sup> California Ocean Protection Council (COPC). 2008. *An Implementation Strategy for the California Ocean Protection Council Resolution to Reduce and Prevent Ocean Litter*.

<sup>3</sup> EPA. 2007. *Municipal Solid Waste: Facts and Figures*.

<sup>4</sup> Conway, Chris. *Taking Aim at All Those Plastic Bags*. The New York Times, April 1, 2007.

<sup>5</sup> He, Haoran. 2010. *Environmental and Behavioral Economics - Applications to China*. Department of Economics, School of Business, Economics and Law, University of Gothenburg.

## Policy Options

Several policy tools are available to regulate consumption of single-use bags and to encourage changes to consumer behavior. These include (1) bans, where use of some or all types of single-use bags are prohibited outright; (2) fees, where consumers are charged at checkout for each single use bag needed (or, in rarer cases, where a producer or supplier is taxed); and (3) credits, where customers are credited for each bag they supply themselves. These different strategies can be applied in various combinations and permutations, with laws applying to all single-use bags, to only certain types of single-use bags or applying only to businesses over a certain size. Additionally, the amount of a fee or credit may or may not be set sufficiently high to affect consumer behavior, fines may or may not be sufficiently high to encourage compliance, strategies for enforcement and implementation can vary, and the ways that monies generated by fees are used can vary. Strategies may also be implemented in combinations—for example, a ban of all plastic bags along with a fee on paper bags is a strategy that has been used in California.<sup>6</sup>

Both bag bans and fees have proven to be effective strategies in other locales, while fewer success stories exist for bag credits – perhaps because it would be too costly to provide a bag credit high enough to change consumer behavior on a large scale. In Ireland, a bag fee has reduced plastic bag use by over 90% and has additionally proved to be “so popular with the Irish public that it would be politically damaging to remove it.”<sup>7</sup> Of interest in the case of Ireland is that the bag tax is not set at the “optimum level” in terms of Pigouvian taxation strategies; rather, as the goal is to change consumer behavior by sending a strong signal, the tax was set at more than six times higher than the estimated consumer willingness to pay. In San Francisco, the ban on plastic bags was estimated to have reduced bag use by five million plastic bags every month within a year of its implementation.<sup>8</sup>

Critics of these policies suggest that regulation of plastic bags leads to more use of paper bags, which may be equally environmentally harmful, that bag fees will negatively impact low income people, and that the inconvenience of “bringing your own bag” will negatively affect retailers and grocery stores. However, the examples of both Ireland and San Francisco show that these criticisms have not borne out, and that these strategies can successfully and significantly reduce single-use bag consumption and waste, help to get people into the habit of bringing reusable bags, and become popular policies with the public at the same time.

## Current Bills in the Hawaii State Legislature

Six bills relating to regulating the use of checkout/carryout bags have been introduced to the 26<sup>th</sup> State Legislature as of February 2<sup>nd</sup>, 2011. SB 1363 proposes an offset fee for all non-reusable checkout bags (paper and plastic) of \$.25 per bag to be implemented by any business with a gross annual income of \$500,000 or more. Businesses would retain 25% of the fee, with

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<sup>6</sup> PlasticBagLaws.org, a resource for legislative bodies considering laws limiting the use of plastic bags. <http://plasticbaglaws.org/>.

<sup>7</sup> Convery, F., McDonnell, S., and Ferreira, S. 2007. *The most popular tax in Europe? Lessons from the Irish plastic bags levy*. *Environmental and Resource Economics*. 38:1, 1-11.

<sup>8</sup> Gorn, David. 2008. *San Francisco Plastic Bag Ban Interests Other Cities*. NPR, March 27, 2008.

75% being remitted to the state. Of this 75%, 70% would go to the general fund, and the remaining 30% (less than 6 cents) would go to a special account to pay for administrative costs and community outreach and education relating to the impact of the bill. HB 1601 proposes a ban on all plastic bags, including biodegradable bags. SB 1370 would require merchants to use paper or biodegradable or compostable plastic bags when providing plastic bags to customers. SB 1059 would prohibit non-biodegradable plastic bags for businesses with gross annual sales over \$300,000. HB 891 would prohibit non-compostable plastic bags for businesses with a gross annual income of \$500,000 or more. HB 998 would impose a \$.10 fee on plastic bags (it is not specified if this applies to biodegradable or compostable plastic), and businesses may retain 50% of the fee if they develop and implement plastic bag recycling programs. The remaining portion of the fee shall be deposited into the energy sustainability special fund.

### **Recommendations**

The best solution to the issues discussed above is to encourage less consumption of single-use bags and to encourage a switch to reusable bags made of cloth or other durable and washable materials. Of the six current bills summarized above, SB 1363 provides the most comprehensive and promising approach to achieving this goal. The offset fee of \$.25 should not be reduced and could even be raised, as a lower fee may not produce the desired behavioral changes. The application of the fee to all types of single-use bags will encourage customer-supplied reusable bags rather than a switch from plastic to paper. A few additions and changes to this bill are also recommended. First, the annual income threshold should be eliminated so that the law applies to all businesses, perhaps with exceptions for particular cases (SB 1059 provides a good definition of “single-use plastic checkout bag” that excludes certain kinds of bags). Additionally, non-compostable plastic bags should be banned outright for all businesses as these are especially environmentally hazardous (language can be borrowed from the proposed SB 1059, but eliminating the income threshold). Finally, a greater portion of the fee should be dedicated to community education and outreach, and should include a program to distribute reusable bags to low-income communities. These recommendations outline a less watered-down approach than any of the bills currently being heard, and might be viewed as politically unpalatable. However, experiences in other locales demonstrate that, once consumers create new habits and behavior is changed, these policies become templates for new social norms. Similar to seat belt laws, or laws about littering, which were both initially unpopular but are now widely accepted, once consumers and businesses form new habits, they will recognize that reusable instead of disposable bags make sense for businesses, customers and the environment.

Thank you for the opportunity to testify.

Nicole Lowen  
Master's in Urban and Regional Planning Candidate, 2011  
University of Hawai'i at Manoa  
nlowen@gmail.com  
Honolulu, 96816

Joy Leilei Shih, M.A.S.  
3267 Mokihana Street  
Honolulu, HI 96816  
(650) 380-5482  
joyshih@hawaii.edu

SENATE COMMITTEE ON ENERGY AND ENVIRONMENT  
SENATE COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY

Feb 8, 2011, 2:45 pm  
(Testimony is 3 pages long)

TESTIMONY IN FAVOR OF SB 1363

Aloha Chair Gabbard, Chair Fukunaga, and Members of the Committees:

My name is Joy Leilei Shih and I am a marine biogeochemist graduate student researcher in Oceanography at the University of Hawai'i at Manoa. I received my Master of Advanced Studies in Marine Biodiversity and Conservation from Scripps Institution of Oceanography in La Jolla, CA in 2008. I have had the privilege of being trained by, working with, and discussing anthropogenic pressure on the oceans with top marine scientists and conservation experts.

That plastic pollution is harmful to the marine environment is not up for debate. Large accumulations of plastic debris have been identified in all five major oceanic gyres, carried by the major ocean currents. Inefficient and improper disposal of trash supplies these hundreds of millions of square miles affected by this phenomenon. In Hawai'i, each resident produces on average at least 6.2 lbs of opala each day. It is estimated that only a few percent of plastic shopping bags are ever recycled. The recent overflow from landfill only serves to illustrate that much of our refuse is not successfully sequestered. Plastics do not degrade but only break down and remain in the environment for a minimum of years to a more likely thousands of years. In reality, plastic does not ever truly degrade but only breaks down into small enough particles to enter the food chain, including the human seafood diet.

Plastics affect every size of marine life, from its incorporation into microscopic phytoplankton, to its ingestion by the largest marine mammals. Sea birds and sea turtles are sadly common victims of being entangled in or ingesting plastic. However, even large marine mammals are not immune, as evidenced by events such as the seven sperm whales that washed up in Fiogga, Italy in 2009, having died from ingesting large amounts of plastic, as did a gray whale in Seattle in April of last year. These are only examples of many more.

Estimates range from 100 million to one billion marine animals, including fish and invertebrates, are killed each year due to plastic debris in the ocean. Included in this are 1 million seabird deaths<sup>1</sup> and 100,000 marine mammals such as seals and

whales<sup>i</sup>. In 2007, University of Queensland researchers found that plastic bags are the biggest killer of sea turtles.<sup>iii</sup> Currently, it is estimated that there are 100 million tons of plastic in oceans around the world. It is expected that another 60 billion pounds will be produced this year alone.

12 million barrels of oil are required to produce the 100 billion plastic bags that Americans use each year, including the 300 million plastic bags used in Oahu alone. Reducing the amount of plastic bags produced would help reduce the growing pressure of our reliance on fossil fuels.

Plastic debris also acts as hosts for invasive species, carrying them to other regions of the ocean. Extensive scientific studies have described and confirmed these "hitchhikers".

As the ocean is arguably Hawai'i's most valuable resource, being part of the solution can only be considered kuleana to our culture, our islands, and ourselves.

In 2002 Ireland placed a twenty-two cent fee on all plastic bags. Known as the PlasTax, the fee was explicitly designed to change consumers' behavior and accomplished amazing results. The use of plastic bags in Ireland dropped by more than 90 percent. The fee also raised approximately 3.5 million Euros in extra revenue that was earmarked for environmental projects.

In Washington D.C., simple 5 cent tax--with revenues going towards an environmental cause voters rallied around—resulted in consumer behavior changing for the better, with a 85% decrease in plastic bags used.

As of November 2010, the decrease in plastic bag usage due to China's plastic bag ban has kept 100 billion plastic bags out of the trash, and it is estimated that it will save China 37 million barrels of oil every year.

Maui and Kauai counties have taken the lead in plastic bag policy in Hawai'i with plastic bag bans already in place. Hawai'i would be the first state in the nation with a statewide policy for addressing plastic bags, an opportunity to telegraph to the world that Hawai'i is serious about reigning in plastic debris and its detrimental impacts. In anticipation of the APEC meeting to be hosted in Honolulu in November of this year, the state can be proud of passing such a significant piece of environmental policy, just like the much-lauded Bottle Law of 2002. This is pro-environmental policy that would have no impact on the state budget.

SB 1363 states that beginning on July 1, 2012, any business having a gross annual income of \$500,000 or more shall charge and collect an offset fee of 25 cents for each non-reusable checkout bag provided to a customer. This bill provides for the department of health to collect 75% of the offset fee to be used for administration and enforcement and allows businesses to retain 25% of the offset fee as taxable income. The offset fee is exempt from the excise tax. The fee does not apply to

plastic bags used for the transport of raw meat, poultry, flowers and other damp items, bulk foods without packaging, fresh produce, live animals, newspapers, dry-cleaning and the like.

I respectfully recommend that the plastic bag fee introduced does not preempt the existing plastic bag bans already in place in Maui and Kauai Counties. Maui and Kauai Counties enacted bans designed to meet their goals in reducing plastic bag usage.

I also respectfully recommend that the fee be considered for all single-use checkout bags, including biodegradable plastic bags and paper bags. This policy would encourage residents of Hawai'i to use reusable bags and thereby reducing their opala footprint.

I am available to help refine such a policy that would be most beneficial to the State of Hawai'i. Please do not hesitate to draw upon my time and effort, and fellow researchers and expert resources at my disposal in this opportunity to move forward.

I respectfully ask that this committee advance this measure.

Mahalo for the opportunity to testify.

Joy Leilei Shih

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<sup>i</sup> United Nations Environment Programme (UNEP), 2005. Marine Litter, an analytical overview.

<sup>ii</sup> Wallace, N. 1985. Debris entanglement in the marine environment: A review. Pp. 259-277. In: R.S. Shomura, H.O. Yoshida (eds.) Proceedings of the Workshop on the Fate and Impact of Marine Debris 27-29 November 1984, Honolulu, Hawaii, July 1985. NOAA-TM-NMFS-SWFC-54.

<sup>iii</sup> <http://www.sciencealert.com.au/news/20081403-17043-2.html>

ENE/EDT Public Hearing  
Room 225  
February 8th, 2011, 2:45pm  
Testimony of Tara Coomans

In Support of Senate Bill 1363  
Good afternoon Senators Gabbard and Fukunaga.

My name is Tara Coomans and I am a concerned citizen. I am writing in support of SB 1363. Bills just like this one have been enacted all over the world with great success, both generating income for the state and encouraging consumers to reduce waste, thereby protecting our environment, food-chain and landfills.

Today, it's not hard to find a nearby city, county, state, or country that has enacted some type of single-use plastic and/or paper legislation to reduce waste and encourage consumers to make environmentally and socially responsible choices.

In our nation's capitol and in other countries like Australia, Italy, and Mexico, they placed a small fee on these wasteful petroleum products—in Washington, D.C., plastic bag use dropped 60% in the first month! In Ireland, they charged a fee on plastic bags, and their use dropped 90% in one year. Cities and counties all over the mainland have enacted similar legislation over the past couple years.

Reusable cloth and nylon bags can be purchased for a dollar (sometimes free) and used for years and years. Like any change in policy, of course consumers will take a little while to get used to bringing their own bags, but soon it will become second nature just like in all the aforementioned regions that have had fees or bans for years.

According to an article in the Honolulu Advertiser (March 8, 2010), people on Oahu use an estimated "300 million bags or more annually." Oahu can no longer afford to plug its municipal systems and landfills with single-use bags. Our neighbor islands Kauai and Maui have enacted bans on single-use plastic bags. While we do not want to reverse the local legislation in those counties, the remaining parts of the state can catch up and make Hawaii a model for the rest of the mainland. We have an opportunity to lead by encouraging consumers to reuse bags when possible. We must begin to protect our beautiful island home by reducing the massive amount of waste and plastic pollution we generate on a daily basis.

Mahalo,  
Tara D. Coomans



Testimony in support of SB1363

Scott Higgins Ph.D  
1680 East West Rd  
Honolulu, HI 96822

I'm a Postdoctoral Fellow at the Hawaii Natural Energy Institute and I support the above bill banning plastic bags.

Aloha,  
Scott

Testimony for ENE/EDT 2/8/2011 2:45:00 PM SB1363

Conference room: 225  
Testifier position: support  
Testifier will be present: Yes  
Submitted by: Gopal Butler  
Organization: Individual  
Submitted on: 2/6/2011

Testimony for ENE/EDT 2/8/2011 2:45:00 PM SB1363

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: Mariya Gold  
Organization: Individual  
Submitted on: 2/6/2011

Testimony for ENE/EDT 2/8/2011 2:45:00 PM SB1363

Conference room: 225  
Testifier position:  
Testifier will be present: No  
Submitted by: Renata Bell  
Organization: Individual  
Address: Honolulu  
Submitted on: 2/5/2011

Comments:

Aloha Chair Gabbard and members of the Committee:

It is with great anticipation that I submit my testimony in support of SB 1363, which would impose a small fee on disposable plastic and paper bags. Plastic bags in particular are a travesty to our marine environments as they are forever. The irony of a single-use item that is in our environment forever is obvious. Especially for a state that is about the aina, it is important to protect it.

We already know that a fee like this will work. It's worked on the outer islands as it has worked around the world. Free bags lead to waste and over-pollution.

However, this bill does not go far enough. We should also place a ban on all non-biodegradable containers such as styrofoam and non-recyclable plastics. We cannot afford to place these chemically laden containers and bags into a landfill or incinerate them into the atmosphere. Anything we put into the environment, whether land, air, or sea, we effectively put into ourselves.

Mahalo for considering my testimony.

Comments:

Aloha Chair Gabbard and members of the Committee:

It is with great anticipation that I submit my testimony in support of SB 1363, which would impose a small fee on disposable plastic and paper bags. Plastic bags in particular are a travesty to our marine environments. Visions of Texas-sized patches of plastic floating in the middle of the Pacific should be enough reason to ban this garbage. Plastic cannot break down like paper, it breaks into ever smaller pieces, getting ingested by marine life and steadily making its way back in to our own food.

We already know that a fee like this will work. It's worked on the outer islands as it has worked around the world. Free bags lead to waste and over-pollution.

However, this bill does not go far enough. We should also place a ban on all non-biodegradable containers such as styrofoam and non-recyclable plastics. We cannot afford to place these chemically laden containers and bags into a landfill or incinerate them into the atmosphere. Anything we put into the environment, whether land, air, or sea, we effectively put into ourselves.

Thank-you for the opportunity to testify.

Mahalo for considering my testimony.

Brian Bell  
4626 Sierra Dr.  
Honolulu, HI 96816  
808-227-7087

Testimony for ENE/EDT 2/8/2011 2:45:00 PM SB1363

Conference room: 225

Testifier position:

Testifier will be present: No

Submitted by: ROXANNE RIVERO

Organization: SURFRIDER FOUNDATION

Submitted on: 2/7/2011

Comments:

PLS SUPPORT THIS BILL..

Aloha,

I am submitting a testimony to show my support to SB1363. There are a few important reasons as to why I think SB1363 should be passed in the City and County of Honolulu. First, SB1363 would encourage people to use reusable bags and curb the wasteful use of nonrenewable resources. Not only are plastic bags non-degradable and a common litter item found around the island but they are also made from petroleum products. Use of petroleum products significantly contributes to greenhouse gas emissions and therefore global climate change; alterations of temperature, habitat, and climate. Honolulu is surrounded by the Pacific Ocean. The creatures of the ocean often get sick and even die from ingestion and entanglement from disposable bags. Many of these creatures are protected under the endangered species act, Marine Mammal Protection Act, Magnuson-Stevens Act, and other regulations meant to preserve their existence. Also, Honolulu faces a shortage of landfill space and should be implementing strategies to reduce waste; Plastic bags contribute to filling the landfill unsustainably and unnecessarily. There are several cities and counties which have already adopted similar legislation for single use plastics bags including Kauai and Maui. Let's join them and make harmful and wasteful single plastic bag use a thing of the past.

Mahalo,

Aydee Camunas-Zielke

Ryo Kubota  
2428 Ferdinand Ave  
Honolulu, HI 96822  
(808) 542-4503

ENE/EDT Public Hearing  
Room 225  
February 8<sup>th</sup>, 2011, 2:45pm

Testimony of Ryo Kubota  
In Support of Senate Bill 1363

Dear Senators Gabbard and Fukunaga

My name is Ryo Kubota and I am writing this in support of SB 1363. A single use of plastics like plastic bags, bottles, food containers and etc are the major source of plastic pollutions.

Once plastics are released to our environment, it will take hundreds of years to be fully composted. However, Plastics are easily degraded to small particles and become plastic debris in our environment, especially in marine environment. Plastic debris is not only a threat for many marine lives such as fish, marine mammals, turtles, and sea birds but, also accumulates highly toxic organic chemical compounds such as PCBs.

Plastic debris which degraded to small particles, called "microplastics", will stay in our environment for long time and now we can often find these in our pristine beaches in Hawaii.

Hawaii is the one of the special place in the world because of friendly people, green lands, and blue oceans. The beauty of nature in Hawaii is also a part of pride for people who live in Hawaii.

Therefore, I support Bill1363 and believe it will contribute to keep our environment clean and healthy, and advocate a cause of reduction of single use of plastics.

Aloha

Ryo Kubota

Cara B Wilson  
3458B Kalua Road  
Honolulu, HI 96826  
(848) 218-0990

ENE/EDT Public Hearing  
Room 225  
February 8th, 2011, 2:45pm

Testimony of Cara Wilson  
Environmental Studies Student at UH Manoa  
In Support of Senate Bill 1363

Good afternoon Senators Gabbard and Fukunaga.

My name is Cara Wilson and I am a student at UH Manoa and dedicated volunteer to many different organizations island-wide. I am writing in support of SB 1363 and have the expressed support of thousands of other students and friends campus wide. I moved to Hawaii a year and a half ago from New Jersey, with the hopes of entering an environment far more sustainable than that which I grew up in. Unfortunately this hasn't entirely been the case; however I am lucky to be a part of a movement towards sustainability. I have learned through experience, through being an officer for Surfrider Foundation Club at UH, active duty in the ecology club and continue to have many great mentors at UH. Through constant discussion regarding the degradation of our environment due to plastic, I have learned more than anything that this bill can make a huge difference. It is a small fee for someone who isn't willing to spend the extra 15 seconds to bring their own reusable bags, yet a huge fee to pay back to the environment for the bags that will stay (most likely in the ocean) for a very long time.

Bills just like this one have been enacted all over the world with great success, both generating income for the state and encouraging consumers to reduce waste, thereby protecting our environment, food-chain and landfills. Today, it's not hard to find a nearby city, county, state, or country that has enacted some type of single-use plastic and/or paper legislation to reduce waste and encourage sustainable behavior in consumers.

In our nation's capitol and in other countries like Australia, Italy, and Mexico, they placed a small fee on these wasteful petroleum products—in Washington, D.C., plastic bag use dropped 60% in the first month! In Ireland, they charged a fee on plastic bags, and their use dropped 90% in one year. Cities and counties all over the mainland have enacted similar legislation over the past couple years. Reusable cloth and nylon bags can be purchased for a dollar (sometimes free) and used for years and years. Like any change in policy, of course consumers will take a little while to get used to bringing their own bags, but soon it will become second nature just like in all the aforementioned regions that have had fees or bans for years.

According to an article in the Honolulu Advertiser (March 8, 2010), people on Oahu use an estimated "300 million bags or more annually." Just across the channel, neighbor islands Kauai and Maui have enacted bans on single-use plastic bags. While we do not want to reverse the local legislation in those counties, the remaining parts of the state can catch up and make Hawaii a model for the rest of the mainland. We must begin to protect our beautiful island home by reducing the massive amount of waste and plastic pollution we generate on a daily basis. I can't stress enough how much I support this bag fee, and how much more gratifying my education in Hawaii will be if a bill like this is passed during my years of study.

Mahalo for your consideration,

Cara B. Wilson



**gabbard1 - Carlton**

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**From:** Jennifer Milholen [milholen.jennifer@gmail.com]  
**Sent:** Monday, February 07, 2011 11:53 AM  
**To:** ENETestimony  
**Subject:** SB1363 testimony for hearing on 2-8-11 2:45pm

I am resending due to some emailing issues. Please see below:

Testimony from Jennifer Milholen  
215 N. King St.  
Honolulu, HI 96817

I support this bill in favor of a \$0.25 fee on non-reusable bags distributed by a business. While straight plastic bag bans have good intention and are doing some good, it still allows for businesses to use other unsustainable alternatives like paper bags and bags labeled as "biodegradable."

Past and current bills up before the legislature have either banned 100% plastic bags specifically or allow for "biodegradable" bags. There are some very real issues with these parameters. As has been seen on Maui and Kauai with the ban, businesses are turning to paper bags which are more expensive for the business and leads to another unsustainable practice, clear cutting for the purpose of producing paper bags. The introduction and legislated acceptance of "biodegradable" plastic bags is the most worrisome of trends happening on the outer islands and in the current proposed bills ( SB 1059 & SB 1370). There is a general lack of understanding when it comes to the lexicon of "Earth-friendly" bag alternatives.

"Biodegradable" is generally thought to refer to products that are good for the environment and the ideal of products. What the word actually refers to is a product breaking down and becoming indistinguishable in soil. The definition does not put any prohibition on toxins present in the product, plastic content, or how long it takes to break down. Because of this re-appropriation of the term for the purpose of "greenwashing" and selling bag alternatives, the general public sees biodegradable as a cure all. However, the truth is that the definition allows for bags that contain +90% PLASTIC still! As long as it has as little as 3% organic material it can be labeled as "biodegradable." Once these still-plastic bags are introduced into the environment (land & marine) they break down into smaller pieces of toxic plastic that are ingested by animal life the same as 100% plastic bags. At a molecular level, these plastic pieces continue to destroy the food chain as microorganisms die from consumption. As is clear from the above, these bags represent the same if not more of a threat to Hawaii and the world's environment.

I support SB1363 because it does not allow for the use of paper and "biodegradable" bags, only those bags considered reusable like nylon or cloth bags. The \$0.25 fee also serves as a realistic disincentive for customers and allows for the opportunity to customers to adjust their behavior. The sale of "compostable" bags would also be acceptable since the industry definition of compostable allows for ZERO toxins, NO plastic, and only organic materials that will break down in 180 days under composting conditions.

Thank you for considering this bill.

Jennifer Milholen

Testimony for ENE/EDT 2/8/2011 2:45:00 PM SB1363

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: Rosalyn Young  
Organization: Individual  
Submitted on: 2/7/2011

Comments:

My name is Rosalyn Young and I am an executive committee member of the Surfrider Foundation, Oahu Chapter. I am in full support of Bill 1363 to place a tax on plastic bags, in hopes that this will potentially lead into a ban one day. I have been involved in Surfrider's monthly beach cleanups for almost two years and have seen firsthand the appalling amount of plastic pollution taking a toll on our environment and marine life. I hope a tax will reduce the number of plastic bags consumed and encourage citizens to use reusable bags. I would love to see the state of Hawaii set an example to the world on this issue. Thank you for the opportunity to testify.

Testimony for ENE/EDT 2/8/2011 2:45:00 PM SB1363

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: Sandra  
Organization: Individual  
Submitted on: 2/7/2011

Testimony for ENE/EDT 2/8/2011 2:45:00 PM SB1363

Conference room: 225  
Testifier position: support  
Testifier will be present: Yes  
Submitted by: Aydee Camunas-Zielke  
Organization: Surfrider  
Submitted on: 2/7/2011

Aloha,

I strongly support SB 1363 and believe a 25 cent offset fee for each non-reusable checkout bag provided to a customer is appropriate. Plastic bag pollution is one of the greatest threats to Hawaii's environment, and I believe a 25 cent fee will significantly reduce plastic and other non-reusable bag use in Hawaii.

Mahalo,

Charlie Taylor  
1936 S. King St.  
Honolulu, HI, 96826

J.D. Candidate 2011  
University of Hawaii  
William S. Richardson School of Law

Testimony for ENE/EDT 2/8/2011 2:45:00 PM SB1363

Conference room: 225

Testifier position:

Testifier will be present: No

Submitted by: Evan Manning

Organization: Individual

Address:

Phone:

E-mail: [evan\\_manning@hotmail.com](mailto:evan_manning@hotmail.com)

Submitted on: 2/7/2011

Comments:

I support adding a 25 cent fee added to each plastic bag purchased on oahu. I believe it would be a great way to limit the amount of waste produced by the island as a whole. This tax should encourage people to use reusable bags.

Testimony for ENE/EDT 2/8/2011 2:45:00 PM SB1363

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: Elik Vodovoz  
Organization: Individual  
Submitted on: 2/7/2011

Comments:

I have personally retrieved plastic bags from the ocean while surfing. People will make a more conscious decision before taking the plastic bag. The ocean needs to be protected and people need to be made more aware.

Aloha,

Please pass SB 1363 to discourage use of plastic bags.

Ken Sentner  
2499 Kapiolani Blvd., Apt. 2209  
Honolulu, Hawaii 96826

I support requiring all businesses to support efforts to reduce plastic bag litter starting this year.

I support SB 1363, although wish it was stronger.

Mahalo,

**Michael Gach**  
P.O. Box 1808  
Kihei, HI 96753  
808-874-8191

Testimony for ENE/EDT 2/8/2011 2:45:00 PM SB1363

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: jenna chung  
Organization: Individual  
Submitted on: 2/7/2011

Testifier position: support  
Testifier will be present: No  
Submitted by: Marjorie Bonar  
Organization: Individual  
Submitted on: 2/7/2011

Comments:

With the plethora of bills in both the House and Senate regarding attempts to curtail the plastic bag blight, this bill is the best on the Senate list. Our experience on Maui demonstrates the almost immediate change in the landscape. Roadside trash is visibly diminished.

A \$0.25 charge per bag should definitely reduce use. The ground breaking Irish "plastax" Why not eliminate it as in HB 1601?

Other jurisdictions have been through litigation of the provisions allowing either a gross income threshold or use of ( almost impossible to enforce) requirements for specialized plastics. Maui avoided all of these potential causes of legal argument by limiting the exclusions to heavy gauge reusable plastic bags .

The entire state could benefit from following this example.

Mahalo for your support.

**Dear Senate!**

Please consider passing the following bills:

**SB 1363, @ Tuesday, February 8, 2011 at 2:45 pm**

**SB 1059, @ Tuesday, Feb 8 at 3pm**

**SB 1370, @ Tuesday, Feb 8 at 3pm**

I feel it is very important for large retailers to minimize if not cease the use of non-biodegradable plastic bags. Less plastic will cause less pollution, less waste, and will reduce stress on landfills. Please pass these bills.

Sincerely,

Danielle Best

320 Liliuokalani Ave. Apt 1503

Honolulu, HI 96815